REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated March 26, 2008. Claims 1, 4, 12, 19, 24 and 28 have been amended, without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1, 4-7, 12, 14, 15, 17-19, 21, 22 and 24-28 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claim 28 stands rejected under 35 U.S.C. §112 on the grounds that there is insufficient antecedent basis for various limitations. In the amendments set forth above, amendments to Claim 28 have been made that are believed to address these rejections. Accordingly, reconsideration and withdrawal of the rejection of Claim 28 are respectfully requested.

Claims 1, 5-7, 12, 14, 15, 17-19, 21, 22 and 25-28 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent Number 6,665,375 to Forlenza et al. ("Forlenza") in view of U.S. Patent No. 6,504,922 to Erb ("Erb"). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP §2143.) However, all of the claim elements cannot be found in the cited references, whether those references are considered alone or in combination. In particular, the cited references do not teach, suggest or describe a method or system in which call state information stored on a communication endpoint is provided by the communication endpoint to an alternate call controller after failure of a call signaling channel with a first call controller. Accordingly, reconsideration and withdrawal of the rejections of the claims as obvious in view of the cited references are respectfully requested.

The claimed invention is generally directed to methods and systems in which call state information is stored on a communication endpoint. Communications between the communication endpoint and another communication endpoint are supported by a first call controller. In response to losing the call signaling channel between the communication endpoint and the first call controller, the communication endpoint provides the call state information that it has stored to a second call controller, so that the second call controller can support the communication channel in place of the first call controller. The cited references do not provide a

teaching, suggestion or description of a method or system in which call state information is stored on a communication endpoint, or in which call state information stored on a communication endpoint is provided to a second call controller in response to loss of a call signaling channel between the communication endpoint and a first call controller as claimed.

The Forlenza reference is generally directed to a method and apparatus for providing accessibility to call connection status. According to Forlenza, features for supporting the use of the telephone by hearing impaired users are supported by information stored in the telephone. However, Forlenza does not teach, suggest or describe losing a call signaling channel, and in response generating in an endpoint a request for service from a second call controller, and providing a file from the communication endpoint to a second call controller. These deficiencies with respect to Forlenza are acknowledged in the Office Action.

The Erb reference is generally directed to a remote peripheral switch backup call service mechanism. The Erb reference discusses a remote peripheral that receives and synchronizes copies of dialing plans and local device configurations from a main controller while communication between the remote peripheral and the main controller is established. (Erb, Abstract.) That is, a copy of the dialing plan and local device configuration from the main controller 1 is maintained and synchronized within a database 5 of the remote peripheral 3, and is updated either periodically or by notification. (Erb, col. 2, ll. 59-63.) Notably, the peripheral 3 on which the copy is stored is distinct from the telephone (*i.e.*, communication endpoint) 4000 and 4001. Accordingly, Erb does not describe a system in which call state information is stored on a communication endpoint as claimed.

In addition, Erb does not teach, suggest or describe providing call state information from a communication endpoint to an alternate call controller after the loss of a call signaling channel as claimed. Firstly, it is noted that, as discussed above, Erb does not teach, suggest or describe storing call state information on a communication endpoint. Secondly, in Erb the call state information is provided to the backup call services manager while the call signaling channel is established. In addition, as there is no information stored in the telephone 4000 of Erb, there is of course no teaching, suggestion or disclosure by Erb of providing such information from the telephone 4000 to the backup call service manager.

A combination of the Forlenza and Erb references would also not teach, suggest or describe the claimed invention. In particular, neither of the cited references discusses storing call

state information that is used to reestablish a call using a second, alternate call controller, when the original call signaling channel is lost. Instead, Forlenza discusses storing data on a phone that is used to provide visual indications of a call connection status to a hearing impaired user. (Forlenza, col. 1, ll. 5-10.) The Erb reference also does not teach, suggest or describe storing call state information that can be used to reestablish a call using a second, alternate call controller, when the original call signaling channel is lost. Instead, Erb teaches that such information should be stored in a peripheral device 3 that is separate from a supported telephone device 4000, 4001. Therefore, even if the cited references are combined, essential elements of the claims are not taught, suggested or described. For the foregoing reasons, rejections of the claims as obvious should be reconsidered and withdrawn.

To the extent that the detailed action includes mention of U.S. Patent No. 6,925,076 to Dalgic et al. ("Dalgic"), Applicants note that this reference also does not teach, suggest or describe the concept of storing call state information that can be used to re-establish a call signaling channel on a communication endpoint. Instead, Dalgic discusses storing call state information on edge routers, and querying the edge routers for port status information in order to incrementally build a port status table in the event of a gate controller failure. Accordingly, Dalgic does not provide a disclosure of storing call state information on a communication endpoint or providing call state information from a communication endpoint to an alternate call controller in response to the loss of a call signaling channel as claimed. Accordingly, the claims are not obvious in view of Dalgic, even if the Dalgic reference were combined with the other cited references.

Applicants note with appreciation the Examiner's indication that Claims 4 and 24 would be allowable if rewritten in independent form. In the amendments set forth above, Claims 4 and 24 have been so rewritten. Accordingly, it is submitted that Claims 4 and 24 are now in condition for allowance.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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